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PATENT, TRADEMARK AND COPYRIGHT LAW
AND RELATED FEDERAL AND ITC LITIGATION

OUR REF: 7791-0052-25
ART UNIT: 2765

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Serial No.: 08/873,974

Filed: June 12, 1997

Inventor: MICHAEL C. SCROGGIE ET AL

For: SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION
THROUGH COOPERATIVE COMMUNICATION NETWORK SITES

SIR:

Attached hereto for filing are the following papers:

- REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
- ATTORNEY DECLARATION
- COPY OF THE REQUEST FOR RECONSIDERATION AND APPOINTMENT OF
ASSOCIATE ATTORNEY/AGENT
- DATE-STAMPED FILING RECEIPT DATED DECEMBER 2, 1998
- COPY OF THE NOTICE OF ABANDONMENT DATED APRIL 12, 1999

Our check in the amount of \$ 00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Richard A. Neifeld
Registration No. 35,299
Attorney of Record

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* REGISTERED PATENT AGENT

RECEIVED
APR 11 1999
GROUP 1700

7791-0052-25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
APR 16 99
GROUP 2700

IN RE APPLICATION OF: :
MICHAEL C. SCROGGIE ET AL : EXAMINER: PENNY CAUDLE
SERIAL NO: 08/873,974 : GROUP ART UNIT: 2765
FILED: JUNE 12, 1997 :

TITLE: SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION THROUGH
COOPERATIVE COMMUNICATION NETWORK SITES

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Notice of Abandonment dated April 12, 1999 Applicants herewith request withdrawal of said abandonment of the present application for the following reasons:

An Office Action was mailed by the Examiner on September 2, 1998, with a shortened statutory period of 3 months, to expire on December 2, 1998.

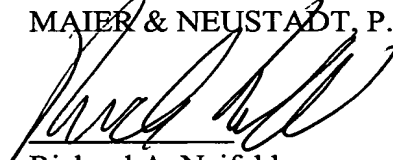
Enclosed herewith is a copy of the date-stamped filing receipt evidencing filing of the Request for Reconsideration and Appointment of Associate Attorney/Agent on December 2, 1998. In order to expedite prosecution, Applicants' Attorney is submitting a signed, certified copy of the documents indicated above.

It is believed that the above discussion and documents enclosed herewith clearly prove that the timely response to the Office Action was filed and therefore, the holding of abandonment was issued in error.

Accordingly, it is requested the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Richard A. Neifeld', is written over a horizontal line.

Richard A. Neifeld
Registration No. 35,299
Attorney of Record

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1755 Jefferson Davis Highway
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Docket No. 7791-0052-25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : ATTN:
MICHAEL C. SCROGGIE ET AL : EXAMINER: PENNY CAUDLE
SERIAL NO: 08/873,974 : GROUP ART UNIT: 2765
FILED: JUNE 12, 1997 :

TITLE: SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION THROUGH
COOPERATIVE COMMUNICATION NETWORK SITES

ATTORNEY DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

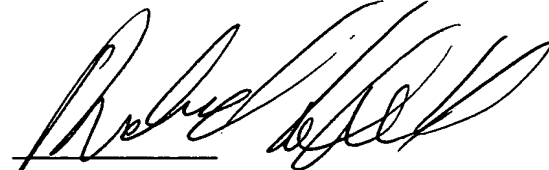
Sir:

I, Richard A. Neifeld attorney of record in the above-identified application, declare the attached to be a true and accurate copy of the Request for Reconsideration and Appointment of Associate Attorney/Agent filed on December 2, 1998.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

4/16/99


Richard A. Neifeld
Registration No. 35,299
Attorney of Record

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APR 16 99
GROUP 2700

OSMM&N File No. 7791-0052-25

Dept.: E/M

By: GJM/CRV/imp

Serial No. 08/873,974

In the matter of the Application of: SCROGGIE, ET AL.

For: SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification & Claims/Drawings Sheets
- ☐ Combined Declaration, Petition & Power of Attorney pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application
- ☐ Notice of Priority
- ☐ Check for \$
- ☐ Fee Transmittal Form
- ☐ Assignment pages/PTO-1595
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☒ Letter Cover
- ☒ Request for Reconsideration
- ☐ Information Disclosure Statement
- ☐ Cited References ()
- ☐ Search Report
- ☐ Statement of Relevancy
- ☐ IDS/Related List of Related Cases
- ☐ Restriction Response
- ☐ Rule 132 Declaration
- ☐ Petition for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☐ White Advanced Serial Number Card
- ☒ Appointment of Associate Attorney/Agent
- ☐

DCPA

☐ Priority Doc

☒ Dep. Acct. Order Form



☐ Election Response

Due Date: 12/02/98

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

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Docket: 7791-0052-25

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Serial No.: 08/873,974

Filed: JUNE 12, 1997

Applicant: SCROGGIE ET AL.

Title: SYSTEM AND METHOD FOR DISTRIBUTING
INFORMATION...

Attached hereto for filing are the following papers:

REQUEST FOR RECONSIDERATION
APPOINTMENT OF ASSOCIATE ATTORNEY/AGENT

Our check in the amount of \$_____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

Carlos R. Villamar
Registration No. 43,224

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7791-0052-25

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
SCROGGIE ETAL : GROUP ART UNIT: 2765
SERIAL NO. 08/873,974 :
FILED: JUNE 12, 1997 : EXAMINER: WILLIAMS, PENNY
FOR: SYSTEM AND METHOD FOR :
DISTRIBUTING INFORMATION ...

REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Further to the Official Action dated September 2, 1998, Applicants request reconsideration of the present application based on the following discussion.

REMARKS

Favorable reconsideration of the present application in light of the above amendment and in light of the following discussion is respectfully requested.

Claims 1-23 are presently active in the case.

In the present Office Action, Claims 1-23 were rejected under 35 U.S.C. §102(b) based on the publications "Cruising for food .." ("Cruising") and "Click for coupons ..." by Peterson.

With respect to the rejection of Claims 1-23 under 35 U.S.C. §102(b), Applicants' representatives are in process of requesting details from Applicants with respect to this issue.

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If there is additional material information, Applicants' representatives will submit an Information Disclosure Statement as soon as the additional information is available to them. If Applicants' representatives determine that there is additional material information, Applicants' representatives will file a paper indicating that determination.

However, Applicants' representatives submit that the Cruising and Peterson do not teach or suggest (i) "storing the conditions of manufacturer offers, pertaining to multiple product manufacturers, in a database associated with a cooperative communication network site" as recited in independent Claims 1 and 4; (ii) "a cooperative communication network site including a database containing information pertaining to manufacturer offers to consumers" as recited in independent Claim 14; (iii) "storing data pertaining to purchase incentives ...; for at least one purchase incentive, displaying an advertising banner ... for viewing by consumers" as recited in independent Claim 20; and (iv) "storing the conditions of manufacturer product purchase incentives, pertaining to multiple manufacturers' products, in a database associated with a product incentive server site coupled to the network" as recited in independent Claim 23.

In contrast, although Cruising discloses a system in which shoppers can print retailer coupons and browse in store specials via the Internet, Cruising fails to teach or suggest the above-noted features of the claimed invention.

Similarly, although Peterson discloses a system in which shoppers can input their zip code, input demographic information into a database, view retailer coupons, and browse in store specials via the Internet, Peterson fails to teach or suggest the above-noted features of the claimed invention.

Cruising, alone or in combination with Peterson, fail to teach or suggest the above-noted features of the claimed invention.

Based on the above discussion, the independent claims and claims dependent therefrom are distinguishable over Cruising and Peterson.

Consequently, in view of the present amendment and remarks, an early and favorable action is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Scroggie et al.

Application No.: 08/873,974

Filed: 6/12/1997

Title: SYSTEM AND METHOD FOR
DISTRIBUTING INFORMATION
THROUGH COOPERATIVE
COMMUNICATION NETWORK SITES

Attorney Docket No.: CAT/34

Group Art Unit:
2765

Examiner:
Penny Caudle

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APR 16 99
GROUP 2700

Assistant Commissioner
for Patents
Washington, D.C. 20231

APPOINTMENT OF ASSOCIATE ATTORNEY/AGENT

Dear Sir:

In the above identified application, please recognize Carlos Villamar, Registration Number 43,224, and Richard Neifeld, Registration Number 35,299, as my associate attorneys with full power to prosecute this application, to make alterations and amendments therein, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Respectfully Submitted,



Noel F. Heal, Reg. No. 26,074
Attorney of Record

Date: November 20, 1998

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/873,974	06/12/97	SCROGGIE	CAT/34

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PALOS VERDES ESTATES CA 90274

LM12/0412

EXAMINER

CAUDLE, P

ART UNIT	PAPER NUMBER
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2765

DATE MAILED: 04/12/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Abandonment

Application No.

08/873,974

Applicant(s)

Soroggie et al

Examiner


Penny Caudle

Group Art Unit

2765

This application is abandoned in view of:

- ☒ applicant's failure to timely file a proper response to the Office letter mailed on Sep 2, 1998.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☒ No response has been received.
- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☐ The issue fee has not been received.
- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ the reason(s) below:


ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER